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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,618	02/02/2004	Ted Blocker	BRH 302A	2306

23581 7590 11/10/2004  
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EXAMINER
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ALIMENTI, SUSAN C

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/770,618

Applicant(s)

BLOCKER, TED

Examiner

Susan C. Alimenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,7 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-4,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Terminal Disclaimer*

1. The terminal disclaimer filed on 21 October 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of USPN 6,684,613 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim~~s~~1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mickelson (US 6,115,889).

Mickelson discloses a method for securing an animal 16 to a fixed object 12 with a securing device 10, wherein a lead line 14 is inserted through frame 24, 18 and extending a segment of line 14 around pivotally coupled retaining member 32. A frictional engagement is attained between retaining member 32 and line 14, and a panicked horse is considered to be capable of pulling *a portion* of the line through this engagement, since the force that a panicked horse might inflict on the device is extremely variable.

Regarding claim 2, the portion of line 14 as viewed in Figure 2, is considered to be loop-like.

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4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray (US 557,800).

Gray discloses a method for securing an animal to a fixed object with a securing device A, B, C wherein a lead line 2 (See Examiner's reference characters in Figure 2) is inserted through frame B and extending a segment of the line around pivotally coupled retaining member C. A frictional engagement is attained between retaining member C and line 2, and a panicked horse is considered to be capable of pulling *a portion* of the line through this engagement, since the force that a panicked horse might inflict on the device is extremely variable.

Regarding claim 3, when line 2 is pulled downward and around retaining member C, as seen in Figure 2, a free end 1 is pulled into contact with the frame B.

5. Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US 273,191).

Thomas discloses a securing device configured to be coupled to a fixed object via mount B comprising a curvilinear frame A having opposing side members with a pivotally coupled retaining member D disposed between said side members. A lead line E is threaded between the side members and around the retaining member D, providing a frictional engagement or retention. The surfaces of the frame and retaining member are substantially free of surface obstructions such that the lead line may smoothly move, when tension is alleviated, in a direction transverse the retaining member D.

*Response to Arguments*

6. Applicant's arguments, see pp. 8, & 9-10, filed 21 October 2004, with respect to claims 6, 7, & 9 have been fully considered and are persuasive. The rejection of said claims has been withdrawn.

7. Applicant's arguments filed 21 October 2004, with regard to claims 1-4 and 13-14, have been fully considered but they are not persuasive. In general, Applicant contends that Mickelson, Gray and Thompson do not disclose the claimed subject matter, the examiner, however, respectfully disagrees with this contention.

First regarding claims 1-4, applicant argues that if a panicked animal were to be able to pull the lead line through Mickelson's or Gray's device, then said devices would fail (Arguments file 10/21/04, pp.7 & 9). Whether or not the device would fail, or if the device is meant to allow such a movement of the lead line is irrelevant, and the fact still remains that it is plausible and reasonable to assume that the lead line could be pulled through the securing device. In some cases the lead line may be age-worn or made of a different diameter or material, thus changing the properties of the device and creating a situation that would be more likely to allow movement of the lead line through the securing device. Applicant must prove that such an instance would not likely occur, and this has not effectively been shown.

Regarding claims 13 and 14, applicant argues that the transverse bar of Thompson's device has corners and applicant considers that said corners "may impede movement" (Arguments filed 10/21/04, p.11). The examiner respectfully disagrees, and maintains that the frame and retaining bar of Thompson's device are "*substantially* free" (claim 13, filed herein 10/21/04) of surface features that would impede movement.

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In conclusion, for these and the reasons listed above, the examiner maintains the rejections of claims 1-4 and 13-14.

*Allowable Subject Matter*

8. Claims 6-12 are allowed.
9. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360.

The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCA



**TERI P. LUU**  
**SUPERVISORY PRIMARY EXAMINER**